



01 JUL 2003

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In re Application of	:	
BABIJ, Alex	:	
U.S. Application No.: 10/018,234	:	DECISION ON PETITION
PCT No.: PCT/AU00/00676	:	UNDER 37 CFR 1.182
International Filing Date: 16 June 2000	:	
Priority Date: 17 June 1999	:	
Attorney's Docket No.: 15475	:	
For: A SCREW GUIDE	:	

This decision is issued in response to the petition filed by applicant on 18 June 2003, which requests that applicant's 14 December 2001 submission be treated as a national stage submission for the above captioned international application and not for the international application indicated on the originally filed Transmittal Letter. Applicant has paid the required petition fee.

### **BACKGROUND**

On 16 June 2000, applicant filed international application PCT/AU00/00676 which claimed a priority date of 17 June 1999 and which designated the United States. On 28 December 2000, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 17 December 2001.

On 14 December 2001, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, a copy of international application PCT/AU00/00676, payment of the basic national fee, and an executed declaration in compliance with 37 CFR 1.497. However, the Transmittal Letter submitted by applicants misidentified the international application number as PCT/AU99/00676; the Transmittal Letter otherwise properly identifies the title, international filing date, and priority date for the intended application, PCT/AU00/00676.

Based on the erroneous international application number listed on the Transmittal Letter, the present national stage application file was created for PCT/AU99/000676, rather than for PCT/AU00/00676.

On 05 March 2002, the DO/EO/US mailed a Notification Of Acceptance indicating that the 35 U.S.C. 371 date for the present application was 14 December 2001. However, the Notification Of Acceptance identified the application as a national stage of PCT/AU99/00676, as did the filing receipt mailed on the same date (the filing receipt also listed the priority information and title of PCT/AU99/00676).

On 01 April 2002, applicant filed a "Request For Corrected Filing Receipt" seeking a correction of the international application, priority information, and title listed on the filing receipt.

On 18 June 2003, applicants filed the petition considered herein. This petition was accompanied by a corrected Transmittal Letter identifying the international application as PCT/AU00/00676.

### **DISCUSSION**

In the present petition, applicants confirms that the listing of PCT/AU99/00676 in the original Transmittal Letter was an error, and that it was applicant's intent for the Transmittal Letter to refer to PCT/AU00/00676, the application attached to the original Transmittal Letter and the application referenced in the executed declaration filed with the original application materials. The petition included payment of the \$130 petition fee and a corrected copy of the Transmittal Letter. Accordingly, applicant's petition to correct the Transmittal Letter is granted. This national stage file (10/018,234) is the national stage of PCT/AU00/00676.

Based on the above, the Notification Of Acceptance mailed 05 March 2002 and the corresponding filing receipt (both of which reference PCT/AU99/00676 rather than PCT/AU00/00676), are appropriately vacated.

### **CONCLUSION**

The petition under 37 CFR 1.182 **GRANTED**.

This application is the national stage of PCT/AU00/00676 with a 35 U.S.C. 371 date of 14 December 2001.

The Notification Of Acceptance mailed 05 March 2002 and the corresponding filing receipt are hereby **VACATED** based on their incorrect reference to PCT/AU99/00676.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including the issuing of a corrected Notification Of Acceptance and corrected filing receipt which refer to the proper international application number (PCT/AU00/00676), priority information and title.

A handwritten signature in black ink, appearing to read 'R. Ross', with a stylized flourish at the end.

Richard M. Ross

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